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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/708,717

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Fred H. Holmes

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EXAMINER

PATEL, RAJNIKANT B

ART UNIT

PAPER NUMBER

2838

MAIL DATE

DELIVERY MODE

08/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/708,717	Applicant(s) HOLMES ET AL.	
	Examiner RAJNIKANT B. PATEL	Art Unit 2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 17-22 and 25-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 17-22 and 25-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed 13 May 2008 have been fully considered but they are not persuasive. Because applied art of Bowman et al.'s does disclose the claimed subject matters of claim 1, and see (column 3, line 25-65) by sensing the current of LED see column 4, line 20-60).

Specification

2. In regards to claims 6, 10,31 and 41-42, the amendment filed on 13 May 2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "a constant direct current continuously supplied at a fixed level" or "at a predefine level"

Applicant is required to cancel the new matter in the reply to this Office Action.

DETAILED ACTION

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Bowman et al. (U.S. Patent # 6,791,283).

Bowman et al. discloses claimed subject matters a battery operated LED lighting apparatus (figure 2), including a battery (figure 2, item B1), a boost regulator (figure 2, item 104), at least one light emitting diode (figure 2, item 102a-n) and maintains the constant voltage (column6, line 50-68), a current sensor (figure 2, item 106), a feedback path (figure 2, item LED current feedback).

5. Claims 6, 10-13, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Andrews (U.S. Patent # 6,150,802).

Andrews discloses claimed subject matters a battery operated LED lighting apparatus (figure 1-9), including a battery (figure 6, item 662), at least one light emitting diode (column4, line 5-20), a boost regulating circuit (figure 6, item 604 and column 3, line 20-30) which will output higher voltage then battery voltage. a constant current supply (column 2 line 10-20).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-5 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman et al. (U.S. Patent # 6,91,283) in combination with Hochstein (U.S. Patent # 5,661,645)

Bowman et al. disclose the claimed subject matters as explained in the claims 6, 10-13 and 31, above. However Bowman et al. does not disclose the utilization of the technique for a LED segregated into groups, the groups connected in parallel, LED connected in series a buck regulator. Hochstein teaches the utilization of the similar technique for a LED segregated into groups, the groups connected in parallel, LED connected in series a buck regulator (figure 5) It would have been obvious one having an ordinary skill in the art at the time the invention made to modify Bowman et al.'s control circuit by utilizing the technique taught by Lebens et al. for the purpose of providing improved controller for light emitting diodes.

8. Claims 7-9, 17-22, 25-30 and 32-40 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Andrews (U.S. Patent # 6,150,802) in combinations with Hochstein (U.S. Patent # 5,661,645) and further in combination with Lebens et al. (U.S. Patent # 6,305,818 B1).

Andrews discloses the claimed subject matters as explained in the claims 6, 10-13 and 31, above. However Andrews does not disclose the utilization of the technique for a LED segregated into groups, the groups connected in parallel, LED connected in series a buck regulator, a subject in film, video, or digital imaging, the microprocessor. Hochstein teaches the utilization of the similar technique for a LED segregated into

groups, the groups connected in parallel, LED connected in series a buck regulator (figure 5) and Lebens et al. teaches the utilization of the similar technique for a subject in film, video, or digital imaging, the microprocessor (figure 2,10 and column 8, line 1-10), a dimmer (column 11, line 35-40, a manually adjustable (column 12, line 25-30), and light intensity control (column 15, line 25-30). It would have been obvious one having an ordinary skill in the art at the time the invention made to modify Andrews's control circuit by utilizing the technique taught by Lebens et al. for the purpose of providing improved controller for light emitting diodes.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAJNIKANT B. PATEL whose telephone number is (571)272-2082. The examiner can normally be reached on M-Th 7-5.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Akm E. Ullah can be reached on 571-272-2082. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RAJNIKANT B. PATEL/
Primary Examiner, Art Unit 2838
